



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 17 – CONVEYANCING\*

**Time allowed: 3 hours plus 15 minutes' reading time**

#### **Instructions to Candidates**

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### **Information for Candidates**

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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## Question 1

Reference: Question relates to 103 Gillibrand Street, Darwin, BB3 1EZ (**Gillibrand**) and to **Documents 1, 2 and 7** of the case study materials.

- (a) Explain what documentation you will include in the contract pack for Gillibrand.

**(9 marks)**

- (b) Explain what entry number 3 of the Proprietorship Register from the Official Copy of Gillibrand (**Document 2**) means, and how you will take account of this when drafting the contract for the sale of Gillibrand.

**(7 marks)**

You have just received a telephone call from April Reeve, who tells you that, unfortunately, Mr Reeve died last night in a road traffic accident. Mrs Reeve, although distraught, still wants to proceed with the sale of Gillibrand and the purchase of Apartment 14.

- (c) Explain what steps you will now need to take to permit the sale of Gillibrand to proceed as efficiently as possible.

**(7 marks)**

**(Total: 23 marks)**

## Question 2

Reference: Question relates to Apartment 14 Heathlea Gardens, Hindley Green, Wigan, WN2 4UE (**Apartment 14**) and to **Documents 1, 3, 4, 5 and 6** of the case study materials.

- (a) Draft the requisitions on title that you will raise with the seller's lawyers on Apartment 14, based on the information contained in, and any issues raised by, **Documents 3, 4, 5 and 6**. In your answer, explain your reasons for raising each requisition that you identify.

**NOTE: Please write your answer to this question in your answer booklet.**  
**(10 marks)**

- (b) Explain which pre-contract searches you will perform on Apartment 14.

**(10 marks)**

The results of your searches are now in. One search result states that Heathlea Road is adopted; however, none of the roadways being constructed on the estate have been adopted by the local authority, nor is there a resolution by the local authority to adopt those roads.

- (c) Explain what this result means, how your client will be able to use the estate roads being constructed by the developer, who will be responsible for the maintenance of the estate roads and whether these arrangements are acceptable.

**(8 marks)**

**(Total: 28 marks)**

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### Question 3

Reference: Question relates to 103 Gillibrand Street, Darwin, BB3 1EZ (**Gillibrand**) and to Apartment 14 Heathlea Gardens, Hindley Green, Wigan, WN2 4UE (**Apartment 14**) and to **Documents 1, 3, 4, 5, 6 and 7** of the case study materials.

- (a) Explain what is meant by paying the deposit to the developer's lawyers as 'agent' as referred to in paragraph 11 of the Agreement for Lease (**Document 5**), and identify the risk this may have for your client, any problems or practical issues this may cause your client and any protection that may be available in respect of any risk that you identify.

**(11 marks)**

- (b) Explain what difficulties clauses 12–14 inclusive of the Agreement for Lease (**Document 5**) pose for synchronisation of the completion dates of the sale of Gillibrand and the purchase of Apartment 14, and what advice you would give your client to overcome any difficulties that you identify.

**(6 marks)**

You have now received responses to your requisitions on title and all outstanding matters have been satisfactorily resolved. You are now in a position to exchange contracts on Apartment 14.

- (c) Explain which formula you will use to exchange contracts on Apartment 14 and the undertakings you will give to the developer's lawyers under the formula.

**(5 marks)**

**(Total: 22 marks)**

#### **Question 4**

Reference: Question relates to 103 Gillibrand Street, Darwin, BB3 1EZ (**Gillibrand**) and to Apartment 14 Heathlea Gardens, Hindley Green, Wigan, WN2 4UE (**Apartment 14**) and to **Documents 1, 3, 4, 5, 6 and 7** of the case study materials.

You have now completed the sale of Gillibrand and expect to complete your client's purchase of Apartment 14 within the next few weeks.

(a) Your supervisor has asked you to request the necessary pre-completion searches. For each search that you identify, explain:

- the name of the form/search you will use;
- the applicant for the search;
- the search from date (if any);
- the reasons for the search;
- any relevant time periods.

**(12 marks)**

You have now completed your client's purchase of Apartment 14.

(b) Explain what post-completion steps you will now take in respect of Apartment 14. In your answer, ensure that you explain:

- any time that periods apply;
- the forms you will use;
- the documentation you will use;
- the fees payable (if any).

**(15 marks)**

**(Total: 27 marks)**

**End of Examination Paper**

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